

Denver Law Review

Volume 9 | Issue 7

Article 3

July 2021

Dicta Observes

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Dicta Observes, 9 Dicta 187 (1931-1932).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Dicta

Vol. IX

MAY, 1932

No. 7

✠ ✠ ✠ *Dicta Observes* ✠ ✠ ✠

PRACTICE OF LAW

The Supreme Court of Georgia in an opinion recently handed down has enlarged the practice of law to include "conveyancing; the preparation of all legal instruments of all kinds whereby a legal right is secured; the rendering of opinions as to the validity or invalidity of the title to real or personal property; the giving of any legal advice; and any action taken for others in any matters connected with the law."

* * * * *

COLLECTING AGENCIES ABUSE

The Supreme Court of Tennessee recently enjoined the Retail Credit Men's Association from unlawfully practicing law. The Association was organized under the Statute of Tennessee providing for "the organization of corporations for the purpose of conducting commercial, mercantile and protective agencies for the purpose of collecting debts." The agency received claims for collection and when letters failed, the attorney employed by them upon a salary, instituted suit. In cases where suits upon notes were involved the Association appropriated the attorney's fees as well.

More particularly the decree contained the following injunctive relief:

(a) Soliciting claims for collection with the understanding with its clients that suit will be instituted by it and collection enforced by legal procedure.

(b) Employing a licensed attorney to give legal advice to clients.

(c) Employing a licensed attorney to bring suit at law and equity and thus evade the law respecting admission to the Bar.

(d) Collecting attorney's fees on notes.

In entering the decree the Court stated in effect, that the attorney must represent the client and not the association; the merchant must become a client of the lawyer; the agent, a corporation, is incapacitated from beginning or directing a lawsuit for others either through a law employee or through a member of the Bar.

It has been stated that too often the collection agency is used as an adjunct to a general law office and as a cloak for solicitation of law business.

Guy a Thompson, President of the American Bar Association, addressing the Detroit Bar Association recently, stated, "The relation of lawyer and client is a sacred one. It knows no divided allegiance. The public welfare requires the maintenance of that relation in all its traditional purity and integrity. No man can serve two masters."

* * * * *

LEGAL APPRENTICESHIP

Dean A. J. Harno of College of Law, University of Illinois, is credited with conceiving a plan of helping law students acquire practical knowledge of law during the summer by spending their time in a law office. The Illinois Bar Association cooperated and through the generous response of Illinois lawyers the plan was tried out with apparent success and thereby invaluable experience gained by the student.

* * * * *

HABITUAL CRIMINAL ACT

The New York legislature has passed two acts to amend the fourth offender clause of the Baumes Law. The bills await the governor's signature. Practical experience has shown that the small offender, who is no serious menace, has suffered while the criminal against whom the act was directed, has entirely escaped the harsh effects of the act. As stated by one

writer it "prevents the judges from using common sense, it assumes all things to be equal, which are not."

* * * * *

THE PUBLIC AND THE BAR

The Minnesota Bar Association is sponsoring weekly broadcasts to acquaint the public with the service rendered the community by the legal profession. Favorable comments upon these broadcasts have been received generally. The Board of Governors of the State Bar of California recently appointed a statewide committee of fifteen to inform the public concerning the function of the legal profession and to maintain and increase the respect of the public for the Bar.

* * * * *

BANKRUPTCY REFORM

President Herbert Hoover recently recommended to the Senate and House of Representatives as follows:

"The bankruptcy act should be amended to provide remedial processes in voluntary proceeding under which debtors unable to pay their debts in due course, may have the protection of the Court without being adjudged bankrupt, for the purpose of composing or extending maturity of their debts, of amortizing the payment of their debts out of future earnings, of procuring the liquidation of their property under voluntary assignment to a trustee; or, in the case of corporations for the purpose of reorganizations."

An amendment containing the above purport should be beneficial to both creditors and debtors.

BAR REPORTS WANTED

The Supreme Court Library has a complete set of the Bar Association Reports of this State. It is attempting as far as possible to complete sets of other States. In many cases copies can only be obtained by exchange. Members of the Colorado Bar having copies of our Bar Association Reports with which they are willing to part, will confer a favor on the library and the Profession by sending their copies to or communicating with the Supreme Court Librarian at the Capitol.